



Southwest Ranches Town Council

REGULAR MEETING

Agenda of May 22, 2014

Southwest Ranches Council Chambers
7:00 PM THURSDAY

13400 Griffin Road
Southwest Ranches, FL 33330

Mayor
Jeff Nelson
Vice-Mayor
Gary Jablonski

Town Council
Steve Breitzkreuz
Freddy Fisikelli
Doug McKay

Town Administrator
Andrew D. Berns
**Town Financial
Administrator**
Martin Sherwood, CPA CGFO

Town Attorney
Keith M. Poliakoff, J.D.
Town Clerk
Russell C. Muñiz, MMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Presentation – Toys for Tots Appreciation by Marine Corps League**
- 4. Public Comment**
 - All Speakers are limited to 3 minutes.
 - Public Comment will last for 30 minutes.
 - All comments must be on non-agenda items.
 - All Speakers must fill out a request card prior to speaking.
 - All Speakers must state first name, last name, and mailing address.
 - Speakers will be called in the order the request cards were received.
 - Request cards will only be received until the first five minutes of public comment have concluded.
- 5. Board Reports**
- 6. Council Member Comments**
- 7. Legal Comments**
- 8. Administration Comments**
- 9. Ordinance – 2nd Reading – AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO REPEAL ORDINANCE NO. 2004-11 AND TOWN OF SOUTHWEST RANCHES, CODE OF ORDINANCES, PART II, CHAPTER 4, - BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – FLOOD DAMAGE PREVENTION IN ITS ENTIRETY; TO ADOPT A NEW ORDINANCE 2014-____; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**
- 10. Ordinance – 2nd Reading - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, DIRECTING THE TOWN ADMINISTRATOR AND THE TOWN ATTORNEY TO PREPARE A NON-BINDING STRAW POLL REFERENDUM QUESTION CONCERNING HOW TO FUND THE TOWN'S TRANSPORTATION SURFACE AND DRAINAGE, ONGOING REHABILITATION PROGRAM ("TSDOR"); PROVIDING BALLOT LANGUAGE AS DELINEATED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; DIRECTING THE TOWN ADMINISTRATOR TO REQUEST THAT THIS NON-BINDING STRAW POLL QUESTION BE PLACED ON THE NOVEMBER 4, 2014 GENERAL ELECTION BALLOT, TO ENABLE THE TOWN'S**

ELECTORATE TO CAST A STRAW VOTE ON THIS MATTER; DIRECTING THE TOWN CLERK TO PROVIDE PROPER NOTICE FOR THIS STRAW BALLOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- 11. Resolution** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES FLORIDA, ACCEPTING A DONATION FROM THE ASTER KNIGHT PARKS FOUNDATION IN THE AMOUNT OF \$22,000; APPROVING CHANGE ORDERS TO THE ROLLING OAKS BARN RENOVATION CONTRACT FOR UPGRADES TO CEILING AND FLOOR INSTALLATIONS BY EAST COAST BUILDERS AND DEVELOPERS CORP. FOR AN AMOUNT NOT TO EXCEED \$28,201.25; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2013-2014 BUDGET FOR THIS PROJECT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.
- 12. Approval of Minutes**
 - a. Minutes for April 24, 2014 – Regular Council Meeting
- 13. Adjournment**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Steve Breitkreuz, Council Member
Freddy Fisikelli, Council Member
Doug McKay, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Russell Muniz, MMC, Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council
THRU: Andy Berns, Town Administrator
FROM: Clete J. Saunier, Public Works Director
DATE: May 8, 2014
SUBJECT: Flood Plain Ordinance

Recommendation

To place this item on the agenda to adopt the required Flood Plain Ordinance and Flood Insurance Rate Maps.

Issue

FEMA requires communities to participate in the National Flood Insurance Program (NFIP) and adopt Flood Insurance Rate Maps (FIRMs) as prerequisites to flood insurance eligibility for residents.

Background

FEMA recently completed work on the new FIRMs for Broward County. These new FIRMs are scheduled to take effect on August 18, 2014 and have the potential to change flood insurance costs for many residents.

In order for the new FIRMs to be used in our community, the Town Council must formally adopt the FIRMs and, according to the Florida Division of Emergency Management (FDEM), adopt the updated state model ordinance before August 18, 2014. The Federal Register may publish the Town of Southwest Ranches as a community for possible suspension from the NFIP after the August 18, 2014 deadline unless the Town Council adopts the FIRMs and the model ordinance no later than July 18, 2014.

Fiscal Impact

There will be no direct budgetary impact to the Town of Southwest Ranches.

Staff Contact

Clete J. Saunier, Public Works Director

ORDINANCE NO. 2014-

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO REPEAL ORDINANCE NO. 2004-11 AND TOWN OF SOUTHWEST RANCHES, CODE OF ORDINANCES, PART II, CHAPTER 4, - BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – FLOOD DAMAGE PREVENTION IN ITS ENTIRETY; TO ADOPT A NEW ORDINANCE 2014-____; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

SOUTHWEST RANCHES, FLORIDA, CODE OF ORDINANCES, PART II, CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, FLOOD DAMAGE PREVENTION

WHEREAS, the Legislature of the State of Florida has, in **Chapter 166 – Municipalities**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **the Town of Southwest Ranches** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the **Town of Southwest Ranches** was accepted for participation in the National Flood Insurance Program on **November 1, 2004** and the **Town Council** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Town Council previously adopted requirements for (a) minimum elevation of buildings on flood hazard areas, (b) limitations on enclosed areas under elevated buildings, (c) operation and maintenance plans for dry floodproofed buildings, and (d) critical facilities, pursuant to Broward County Board of Rules and Appeals, Section 103, is formatting those requirements to coordinate with the Florida Building Code; and

WHEREAS, the **Town Council** has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the **Town Council** of the **Town of Southwest Ranches** that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically repeals and replaces Town of Southwest Ranches Ordinance No. 2004-11 and Town of Southwest Ranches Code of Ordinances, Part II,

Chapter 4, - Buildings and Building Regulations, Article II – Flood Damage Prevention in its entirety.

DIVISION 1 - GENERAL

Sec. 4-19 Title. These regulations shall be known as the *Floodplain Management Ordinance* of the **Town of Southwest Ranches** , hereinafter referred to as “this ordinance.”

Sec. 4-20 Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Sec. 4-21 Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Sec. 4-22 Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

Sec. 4-23 Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood

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elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

Sec. 4-24 Disclaimer of Liability. This ordinance shall not create liability on the part of **Town Council of Southwest Ranches** or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 4-25 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 4-26 Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the **Town of Southwest Ranches**, as established in Section 4-27 of this ordinance.

Sec. 4-27 Basis for establishing flood hazard areas. The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated **August 18, 2014**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the **Town Hall located at 13400 Griffin Road, Southwest Ranches, Florida 33330**.

Sec. 4-28 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Sections 4-59 through 4-62 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

Sec. 4-29 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 4-30 Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

Sec. 4-31 Interpretation. In the interpretation and application of this ordinance, all provisions
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shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sections 4-32 through 4-41 - Reserved

DIVISION 2 - ADMINISTRATION

Sec. 4-42 Designation. The **Town Administrator** is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

Sec. 4-43 General duties and powers of the Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Sections 4-78 through 4-85 of this ordinance.

Sec. 4-44 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

Sec. 4-45 Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

Sec. 4-46 Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Sections 4-78 through 4-85 of this ordinance.

Sec. 4-47 Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

Sec. 4-48 Inspections. The Floodplain Administrator shall make the required inspections as specified in Sections 4-63 through 4-68 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Sec. 4-49 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 4-45 of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the

Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of **Southwest Ranches** are modified.

Sec. 4-50 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at **Town Hall located at 13400 Griffin Road, Southwest Ranches, Florida 33330 by filing a Public Records Request with the Town Clerk.**

Sec. 4-51 Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

Sec. 4-52 Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Sec. 4-53 Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

Sec. 4-54 Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Sections 4-59 through 4-62 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

Sec. 4-55 Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

Sec. 4-56 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Sec. 4-57 Suspension or revocation. The Floodplain Administrator is authorized to suspend or

revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

Sec. 4-58 Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District (SFWMD); Section 373.036, F.S.
- (2) Central Broward Water Control District (CBWCD), Chapter 61-1969, Laws of Florida;
- (3) South Broward Drainage District (SBDD); Chapter 2011-264, Laws of Florida,
- (4) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (5) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (6) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (7) Federal permits and approvals.

Sec. 4-59 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 4-60(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 4-60(1) of this ordinance.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance

with this ordinance.

Sec. 4-60 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Sec. 4-61 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 4-62 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with

standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 4-62 of this ordinance.

Sec. 4-62 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 4-63 Inspections - General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

Sec. 4-64 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

Sec. 4-65 Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

Sec. 4-66 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 4-60(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Sec. 4-67 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 4-66 of this ordinance.

Sec. 4-68 Manufactured homes. The **Floodplain Administrator** shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the **Town Administrator**.

Sections 4-69 through 4-77 Reserved

DIVISION 3 - VARIANCES AND APPEALS

Sec. 4-78 Variances and appeals - General. The **Town Council** shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the **Town Council** shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

Sec. 4-79 Appeals. The **Town Council** shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of **Town Council** may appeal such decision to the Circuit Court, as provided by Florida Statutes.

Sec. 4-80 Limitations on authority to grant variances. The **Town Council** shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 4-84 of this ordinance, the conditions of issuance set forth in Section 4-85 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The **Town Council** has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

Sec. 4-81 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 4-61 of this ordinance.

Sec. 4-82 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

Sec. 4-83 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 4-81, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Sec. 4-84 Considerations for issuance of variances. In reviewing requests for variances, the **Town Council** shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;

- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Sec. 4-85 Conditions for issuance of variances. Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the **Town Council** that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sections 4-86 through 4-95 Reserved

DIVISION 4 - VIOLATIONS

Sec. 4-96 Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

Sec. 4-97 Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

Sec. 4-98 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Sec. 4-99 Penalties for violation.

- (1) Violation of the provisions of this Section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Ordinance and all permits may be withheld until a final determination is made.
- (2) A violation of any provision of this Section shall be prosecuted, at the Town's sole discretion, in accordance with F.S. Ch. 162 or through a court of competent jurisdiction. If a violation is found, the offending party shall be given no more than thirty (30) days to correct the violation and shall be assessed an administrative penalty of not less than two hundred fifty dollars (\$250.00) per day per violation until the violation has been corrected.
- (3) In accordance with Section 005-030 in Part III of the Unified Land Development Code, the provisions of this Section may also be enforced by the Town's law enforcement as a violation of a Town ordinance and, as such, shall be punishable in accordance with F.S. § 162.22.
- (4) Nothing contained herein shall prevent the Town from taking such other lawful actions as are necessary to prevent or remedy any violation.

Sections 4-100 through 4-109 Reserved

DIVISION 5 - DEFINITIONS

Sec. 4-110 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

Sec. 4-111 Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

Sec. 4-112 Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 4-113 Definitions

Accessory structure (Appurtenant structure) means a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and shall be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.]. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Critical Facility means Hospitals, nursing homes, medical services facilities, convalescent and assisted living facilities; police stations, fire stations, storage of critical records; government buildings and law enforcement offices; evacuation shelters and emergency operation centers that are needed for flood response activities before, during, or after a flood; and public and private utility (water and wastewater) facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood; radio/cellular/TV towers; schools and universities; landfills; and structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. The term includes facilities that are assigned Risk Category III and Risk Category IV pursuant to the Florida Building Code, Building.

Design flood. The flood associated with the greater of the following two areas: [Also defined in BROWARD Model FPM Ordinance & Code Amendments: Zones A Only (June, 2013) 14

FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before **September 27, 2004**. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before **September 27, 2004**.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

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Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest adjacent grade means the lowest natural elevation surface outside the structure and adjacent to the foundation.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after **September 27, 2004** and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after **September 27, 2004**.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See *Instructions and Notes*]

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Sections 4-114 through 4-124 Reserved

DIVISION 6 - FLOOD RESISTANT DEVELOPMENT

Sec. 4-125 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 4-53 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Sections 4-148 through 4-151 of this ordinance.

Sec. 4-126 Specific methods of construction and requirements. Pursuant to Broward County Administrative Provisions for the Florida Building Code, the following specific methods of construction and requirements apply:

- (1) **Minimum building and structure elevations and site elevations.** For buildings and structures in special flood hazard areas, the minimum elevation requirements in the Florida Building Code shall be at or above the base flood elevation plus 1 foot. The highest adjacent
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grade shall be below the lowest floor elevation. To assure adequate site drainage, the lowest adjacent grade at the building site shall be eighteen (18) inches above the 10-year flood elevation or eighteen (18) inches above the crown of the adjacent roadway, whichever is greater. The Floodplain Administrator may waive the required drainage offset of eighteen (18) inches increase based on submission of supporting analysis and documentation from the engineer of record.

(2) **Limitations on enclosed areas below elevated buildings.** For buildings in special flood hazard areas, the following limitations apply to enclosed areas below elevated buildings:

- a. Access shall be the minimum necessary to allow for only parking of vehicles (garage door), limited storage of maintenance equipment in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator).
- b. The interior portion shall not be temperature controlled, partitioned, or finished into separate rooms.

(3) **Dry floodproofed nonresidential buildings.** Applications for nonresidential buildings proposed to be dry floodproofed shall include an operation and maintenance plan for the installation, storage and maintenance of any flood shields, coverings and devices that require human intervention. At the discretion of the Floodplain Administrator, the plan has be exercised periodically.

(4) **Critical Facilities.** Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. If permitted, critical facilities shall be elevated or protected to or above the base flood elevation plus three (3) feet or the 500-year (0.2 percent chance) flood elevation, whichever is higher. Flood proofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities to the maximum extent possible. Critical facilities shall be designed to remain operable during such an event.

Sec. 4-127 Minimum requirements for Subdivisions. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 4-128 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 4-60(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Sections 4-129 through 4-133 of this ordinance.

Sec. 4-129 Minimum requirements. All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 4-130 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

Sec. 4-131 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Sec. 4-132 Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 4-61(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Sec. 4-133 Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

Sec. 4-134 Manufactured Homes - General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

Sec. 4-135 Manufactured Homes - Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent,

reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance.

Sec. 4-136 Manufactured Homes - Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Sec. 4-137 Manufactured Homes - Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 4-138 or 4-139 of this ordinance, as applicable.

Sec. 4-138 Manufactured Homes - General elevation requirement. Unless subject to the requirements of Section 4-139 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

Sec. 4-139 Manufactured Homes - Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 4-138 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Sec. 4-140 Manufactured Homes - Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.

Sec. 4-141 Manufactured Homes - Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

Sec. 4-142 Temporary placement of Recreational Vehicles and Park Trailers. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions,

rooms, stairs, decks and porches.

Sec. 4-143 Permanent placement of Recreational Vehicles and Park Trailers. Recreational vehicles and park trailers that do not meet the limitations in Section 4-142 of this ordinance for temporary placement shall meet the requirements of Sections 4-134 through 4-141 of this ordinance for manufactured homes.

Sec. 4-144 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Sec. 4-145 Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 4-146 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

Sec. 4-146 Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Sec. 4-147 Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 4-148 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 4-132 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 4-149 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 4-132 of this ordinance.

Sec. 4-150 Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 4-132 of this ordinance.

Sec. 4-151 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 4-132 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 4-61(3) of this ordinance.

Sections 4-152 through 4-172 Reserved

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **the Town of Southwest Ranches**. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after **the date this ordinance is adopted**.

SECTION 4. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Ordinance No. 2004-11 and Code of Ordinances, Part II, Chapter 4, - Buildings and Building Regulations, Article II – Flood Damage Prevention.

SECTION 5. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **Town Council** that the provisions of this ordinance shall become and be made a part of the **Town of Southwest Ranches** Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 7. EFFECTIVE DATE.

This ordinance shall take effect on **its adoption**.

PASSED on first reading on the 8th day of May, 2014 .

PASSED and ADOPTED upon second and final reading with a quorum present and voting, by the **Town Council**, on a motion made by _____ and seconded by _____ this _____ day of _____, 2014.

Town Council

Jeff Nelson _____

Ayes _____

Gary Jablonski _____

Nays _____

Steve Breitkreuz _____

Absent or

Freddy Fisikelli _____

Abstaining _____

Doug McKay _____

Jeff Nelson, Mayor

ATTEST:

Russell C. Muñiz, MMC, Town Clerk

APPROVED AS TO FORM:

Keith M. Poliakoff, Town Attorney

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ORDINANCE NO. 2014-

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, DIRECTING THE TOWN ADMINISTRATOR AND THE TOWN ATTORNEY TO PREPARE A NON-BINDING STRAW POLL REFERENDUM QUESTION CONCERNING HOW TO FUND THE TOWN'S TRANSPORTATION SURFACE AND DRAINAGE, ONGOING REHABILITATION PROGRAM ("TSDOR"); PROVIDING BALLOT LANGUAGE AS DELINEATED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; DIRECTING THE TOWN ADMINISTRATOR TO REQUEST THAT THIS NON-BINDING STRAW POLL QUESTION BE PLACED ON THE NOVEMBER 4, 2014 GENERAL ELECTION BALLOT, TO ENABLE THE TOWN'S ELECTORATE TO CAST A STRAW VOTE ON THIS MATTER; DIRECTING THE TOWN CLERK TO PROVIDE PROPER NOTICE FOR THIS STRAW BALLOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has performed an extensive examination of all of the roadways within the Town; and

WHEREAS, as part of this examination the Town has developed a Transportation Surface and Drainage Ongoing Rehabilitation program ("TSDOR"), to provide for a staged resurfacing of all of the streets and roadways within the Town, including the necessary drainage improvements; and

WHEREAS, the Town must now select a funding source to pay for the TSDOR program; and

WHEREAS, the Town Council believes that the best options for funding the TSDOR program is either through a special transportation assessment or through a millage rate increase; and

WHEREAS, the Town Council desires the electorate's input on how to fund this important program; and

WHEREAS, to garner the electorate's input and to help give the Town Council some additional guidance as it relates to this matter, the Town Council desires to place these two funding mechanisms on a straw ballot for consideration by the electorate; and

WHEREAS, the Town Council has authorized the Town Administrator to seek approval from the Supervisor of Elections to have this straw ballot question be placed on the November 4, 2014 general election ballot;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: The Town Council hereby directs the Town Administrator and Town Attorney to prepare a non-binding straw poll referendum question concerning how to fund the Town's Transportation Surface and Drainage Ongoing Rehabilitation program ("TSDOR"), as set forth in Exhibit "A" attached hereto, with such changes as may be required by the Supervisor of Elections' Office to effectuate the intent of this Ordinance.

Section 3: The Town Council hereby directs the Town Administrator to seek approval from the Supervisor of Elections to place this non-binding straw poll question

on the November 4, 2014 general election ballot, to allow the Town's electorate to help determine this matter.

Section 4: The Town Council hereby directs the Town Clerk to provide proper notice for the proposed non-binding straw poll referendum and to coordinate with the Supervisor of Elections to have the non-binding straw poll referendum placed on the ballot.

Section 5: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6: Severability. If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

Section 7: Effective Date. This Ordinance shall be effective immediately upon its adoption.

[Signatures on Following Page]

PASSED ON FIRST READING this 8th day of May, 2014 on a motion made by
Council Member Fisikelli and seconded by Council Member McKay.

PASSED AND ADOPTED ON SECOND READING this ___th day of _____,
2014, on a motion made by _____ and seconded by _____.

Nelson _____
Jablonski _____
Breitkreuz _____
Fisikelli _____
McKay _____

Ayes _____
Nays _____
Absent _____

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, J.D., Town Attorney

11691514.1

EXHIBIT "A"
SAMPLE BALLOT
GENERAL ELECTION
NOVEMBER 4, 2014

The Electorate will be asked the following straw ballot question:

Southwest Ranches
Straw Poll
Funding for the Town's Transportation Surface and Drainage, Ongoing Rehabilitation
Program

The Town will select either a millage rate increase or a special assessment to fund the staged resurfacing of Town streets and roadways, including related drainage improvements. A millage rate increase would be part of the municipality's overall millage rate, the funds would be completely segregated, and is considered tax deductible. A special assessment would appear as a specific non-ad valorem line item on the annual tax bill, and is not generally considered tax deductible.

I am in favor of funding the Town's Transportation Surface and Drainage, Ongoing Rehabilitation Program ("TSDOR"), through the use of a millage rate increase over a special assessment.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Steve Breitkreuz, Council Member
Freddy Fisikelli, Council Member
Doug McKay, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Russell Muñiz, MMC, Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THROUGH: Andy Berns, Town Administrator

FROM: December Lauretano-Haines, PROS Coordinator
Martin Sherwood, Town Financial Administrator

DATE: May 15, 2014

SUBJECT: **Proposed Resolution to approve funding assistance from the Aster Knight Parks Foundation for upgraded floor and ceiling finishes for the Rolling Oaks Barn renovation project and to approve change orders from East Coast Builders and Developers Corp.**

Recommendation

To place this item on the agenda to approve and accept a donation from the Aster Knight Parks Foundation for upgraded floor and ceiling finishes for the Rolling Oaks Barn renovation project and to approve change orders, attached as Exhibit "A," for the proposed upgrades from the Contractor, East Coast Builders and Developers Corp.

Issue

Design-Build Improvements for the Rolling Oaks Barn are in progress. Decisions on upgrades for flooring and ceiling finishes are needed at this time in order for the project to proceed in a timely manner.

Background

The Town Council approved the contract with East Coast Builders and Developers Corp. on March 27th. In keeping with the project budget of \$350,000, the Contract included the lowest cost finishes for floor and ceiling treatments.

Proposals for upgraded floor and ceiling finishes were requested in order to determine the financial feasibility of carrying out design preferences expressed by the Rural Public Arts and Design and Recreation, Forestry and Natural Resources Advisory Boards.

The proposed change order from East Coast Builders and Developers Corp for upgrade from vinyl tile to polished concrete flooring includes an increase in thickness of the structure's slab from 4" to 6" as well as increased concrete strength from 2,500 to 4,000 psi and will cost \$12,606.

The proposed change order from East Coast Builders and Developers Corp for upgrade from acoustic tile to stained and varnished, D-grade, 5/8" knotty pine tongue and groove ceiling includes a credit for the acoustic tile option, as well as an upgrade to the type of lighting to be used, from fluorescent fixtures to recessed, ceiling-mounted, high-hat-style lighting and will cost a net total of \$15,595.

The Aster Knight Parks Foundation has offered a donation in the amount of \$22,000 of the change orders totaling \$28,201 in order to assist the Town to upgrade the finishes.

On May 13, 2014, at a joint meeting of the Rural Public Arts and Design and Recreation, Forestry and Natural Resources Advisory Boards, Board members reviewed the proposed change orders and voted unanimously to recommend Council approval for acceptance of the donation and approval of the change orders for the project upgrades.

Fiscal Impact

A \$31,655 budgetary adjustment and reappropriation is proposed for this Capital Project comprising as follows:

REVENUES:

301-0000-366-36610	Contributions-Private Sources and Donations	\$22,000
301-0000-399-39900	Appropriated Capital Proj. Fund Balance (reserves)	<u>\$ 9,655</u>
	TOTAL Revenues	<u>\$31,655</u>

EXPENDITURES:

301-5300-572-62120	Buildings-Rolling Oaks Barn	<u>\$31,655</u>
	TOTAL Expenditures	<u>\$31,655</u>

If accepted, funding assistance from the Aster Knight Parks Foundation, Inc. would provide for all but \$6,200 of this change order. However, \$6,000 is available from our FY 13/14 approved Rolling Oaks Barn - Capital Improvement Project budget leaving a \$200 in a budgetary funding deficit. Additionally, at this time, it is recommended that a contingency of \$9,455 be established in the amount of 2.5% of the revised total contract amount (\$378,200) to fully accommodate any future small change orders which may occur. Accordingly, a reappropriation of an available portion of the uncommitted Capital Project fund balance (reserves), estimated to be at \$75,000 at the end of this current fiscal year (9/30/2014), is requested in the amount of \$9,655. It is also noted that any unused portion of the newly recommended project contract contingency amount will remain within the Capital Project fund.

Staff Contact

December Lauretano-Haines, Parks, Recreation, and Open Space Coordinator
Martin Sherwood, Town Financial Administrator

RESOLUTION NO. 2014 – XXX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ACCEPTING A DONATION FROM THE ASTER KNIGHT PARKS FOUNDATION IN THE AMOUNT OF \$22,000; APPROVING CHANGE ORDERS TO THE ROLLING OAKS BARN RENOVATION CONTRACT FOR UPGRADES TO CEILING AND FLOOR INSTALLATIONS BY EAST COAST BUILDERS AND DEVELOPERS CORP. FOR AN AMOUNT NOT TO EXCEED \$28,201.25; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2013-2014 BUDGET FOR THIS PROJECT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 27, 2014 the Town of Southwest Ranches entered into an Agreement with East Coast Builders and Developers Corp. for the Design-Build Improvement project for the Rolling Oaks Barn; and

WHEREAS, upon request, East Coast Builders and Developers Corp. has provided change orders, attached as Exhibit "A," to pricing for upgrades to floor and ceiling finishes for the project; and

WHEREAS, upon review of the proposed change orders, the Southwest Ranches Recreation, Forestry and Natural Resources and Rural Public Arts and Design Advisory Boards voted unanimously to recommend the Council approve the proposed change orders for upgrades to floor and ceiling finishes for the project; and

WHEREAS, funding for these change orders was not budgeted for within the fiscal year 2013-2014 budget; and

WHEREAS, the Town Administrator and Town Financial Administrator have identified \$9,655 within the Capital Project Fund Balance (Reserves) that the Town can use to partially finance these change orders; and

WHEREAS, the Aster Knight Parks Foundation has offered a donation in the amount of twenty-two thousand (\$22,000) dollars for the proposed floor and ceiling upgrades; and

WHEREAS, the Town Council has determined that completion of the floor and ceiling upgrades is in the best interest of the Town; and

WHEREAS, in order for the Town to take advantage of this opportunity, it is necessary to amend the fiscal year 2013-2014 budget by approving this budget amendment.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council hereby accepts the donation from the Aster Knight Parks Foundation in the amount of twenty-two thousand (\$22,000) dollars for upgrades to floor and ceiling finishes for the project.

Section 3. The Town Council hereby approves the change orders to the Rolling Oaks Barn renovation contract for upgrades to ceiling and floor installations by East Coast Builders and Developers Corp. for an amount not to exceed \$28,201.25.

Section 4. The change orders to the Rolling Oaks Barn renovation contract for upgrades to ceiling and floor installations by East Coast Builders and Developers Corp. are attached hereto as "Exhibit A" and incorporated herein by reference.

Section 5. In accordance with the Town Charter, the budget adopted in Ordinance 2013-012 is hereby amended by increasing the Capital Projects: Re-Appropriated Fund Balance revenue account 301-0000-399-39900 in the amount of \$9,655 and the Contributions – Private Sources and Donations revenue account in the amount of \$22,000 and increasing the Capital Projects Buildings – Rolling Oaks Barn expenditure account 301-5300-572-62120 in the amount of \$31,655.

Section 6. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Section 7. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 22rd day of May, 2014, on a motion by _____ and seconded by _____.

Nelson _____
Jablonski _____
Breitkreuz _____
Fisikelli _____
McKay _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, J.D., Town Attorney
ACTIVE: XXXXXXXX_X

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Exhibit "A"

CHANGE ORDER**EAST COAST BUILDERS & DEVELOPERS CORP.***Licensed General Contractor*

DATE: MAY 16, 2014

4611 South University Drive, Suite 151, Davie FL 33328
 Phone (954) 274-5924 Fax (954) 680-7851
 eastcoastbuilders@contractor.net

TO Town of Southwest Ranches
 13400 Griffin Road
 Southwest Ranches, FL 33330
 (954) 434-0008

STRUCTURAL	LOCATION	PROJECT/REFERENCE NUMBER	DUE DATE
Wood Ceiling	Rolling Oaks Barn 5600 S.W. 178th Aven	14-001	UPON COMPLETION

QTY	DESCRIPTION	TOTAL
1	Supply & install tongue & groove wood ceiling Central Area Building Light stain clear finish. 6.85 s.f. @ 2,650 s.f.	18,152.50
2	Credit acoustical drop ceiling 1.50 s.f. @ 2,650 s.f.	(3,975.00)
Change Order Approved: _____, Owner/Agent Date: _____		
		\$14,177.50
5% overhead 5% profit		\$1,417.75
Total		\$15,595.25

Make all checks payable to East Coast Builders & Developers Corp.

THANK YOU FOR YOUR BUSINESS!

Exhibit "A"

CHANGE ORDER 2

EAST COAST BUILDERS & DEVELOPERS CORP.

Licensed General Contractor

DATE: MAY 16, 2014

4611 South University Drive, Suite 151, Davie FL 33328
Phone (954) 274-5924 Fax (954) 680-7851
eastcoastbuilders@contractor.net

TO Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330
(954) 434-0008

STRUCTURAL	LOCATION	PROJECT/REFERENCE NUMBER	DUE DATE
Concrete Floor Finish	Rolling Oaks Barn 5600 S.W. 178th Aven	14-001	UPON COMPLETION

QTY	DESCRIPTION	TOTAL
1	Increase concrete integrity from 2500 psi to 4000 psi @ 2,380 s.f.	750.00
2	Grind, Polish & Seal concrete Floor 4.50 s.f @ 2,380 s.f.	10,710.00
Change Order Approved: _____, Owner/Agent Date:_____		
		\$11,460.00
5% overhead 5% profit		\$1,146.00
Total		\$12,606.00

Make all checks payable to East Coast Builders & Developers Corp.
THANK YOU FOR YOUR BUSINESS!



**Town of Southwest Ranches
Recreation, Forestry and Natural Resources Advisory Board
Official Minutes**

May 13, 2014
7:00 pm

Town Hall
13400 Griffin Road
Southwest Ranches, FL 33330

Board Members

Chris Brownlow, Mary Gay Chaples, Eileen Dunn,
Debra Goff-Rose, Manny Hagen, John Herring,
Aster Knight, Marie Nix, Lesley Thiele, Kathy Sullivan

Council Liaison

Gary Jablonski

Staff Liaison

December Lauretano-Haines

RFNRAB Members present:

Chris Brownlow
Mary Gay Chaples
Manny Hagen
John Herring
Aster Knight
Marie Nix
Kathy Sullivan
Karen Parkerson

RFNRAB Members absent:

Debra Goff-Rose
Lesley Thiele

RPAADAB Members present:

Rose Allbritton
Ken Cimetta
Manny Hagen
Karen Parkerson
Jan Pushkar
Dee Schroder

RPAADAB Members absent:

Joan Boyd

Contractors present:

Frank Anzalone
George Morris

AKPF Members present:

Chris Brownlow
Aster Knight
Marie Nix

AKPF Members absent:

Winston Simmonds
Dehlia Franklin
Franklin Tse
Joe Huppert
Rick Bell

Staff present:

December Lauretano-Haines
Susan Kutz

Council Members Present: Gary Jablonski, Doug McKay, Freddy Fisikelli

Others present: Jim Allbritton, Mike Schroder, Newell Hollingsworth, Lee Lester, Barbara Lester

Call to order at 7:00 PM. A Quorum was established.

Aster Knight motioned to approve the minutes from April meeting. John Herring seconded and the motion passed unanimously.

Lesley Thiele and Debra Goff-Rose requested to be excused from the meeting in advance.

Aster Knight motioned to excuse Lesley Thiele and Debra Goff-Rose from the meeting. Karen Parkerson seconded and the motion passed unanimously.

Joan Boyd requested to be excused from the meeting in advance.

Rose Allbritton motioned to excuse Joan Boyd from the meeting. Dee Schroder seconded and the motion passed unanimously.

Staff introduced Frank Anzalone of East Coast Construction, who is the contractor for the renovation at Rolling Oaks barn. The Chair and Frank briefed the members present on a question regarding the central space's windows, which were specified to be floor to door head, but where it had also been requested that the renovation include a design which would celebrate the building's history as a barn. The solution proposed by the contractor is for windows that extend down halfway from the door head and the bottom portion will be fabricated to have the appearance of the original barn doors.

Aster Knight motioned to approve the windows with half windows and half "barn door" style concrete bottom with details of the previous doors. Karen Parkerson seconded and the motion passed with one opposed (Marie Nix).

The members present discussed the type of doors to be installed leading in to the central room from the east and west wings of the building.

Aster Knight motioned to recommend approval of solid steel doors for the east and west entrances to the central room. Manny Hagen seconded and the motion passed with unanimously.

The members present discussed the central space's ceiling, for which Aster Knight requested the contractor to provide a proposal for tongue and groove as an upgrade to potentially be funded by the Parks Foundation. The Board reviewed the proposal and the contractor stated that this will include an upgrade to interior lighting, as well. If the acoustic tile ceiling were used, fluorescent fixtures were specified. The tongue and groove ceiling will receive recessed high-hats. The tongue and groove will be 5/8", D-grade, in knotty pine and will be stained and varnished.

Staff pointed out that this Change Order was requested of the contractor by the Chair of the Aster Knight Parks Foundation and is not included in the project's budget. Thus, it will not be able to be considered if the Parks Foundation is unable to provide funding for the change.

Manny Hagen motioned to recommend approval of the tongue-in-groove ceiling and change to high-hat lights. Marie Nix seconded and the motion passed unanimously.

The members present discussed the central space's floor, for which Aster Knight also requested the contractor to provide a proposal for ground, polished concreted tongue as an upgrade to potentially be funded by the Parks Foundation. The Board reviewed the proposal and the contractor stated that this will include an upgrade to thickness of the flooring. This is a structural component of the building and, as such, should be decided upon/committed to now, so as to not hold up progress on the project.

Staff briefed the Board that this Change Order was requested of the contractor by the Chair of the Aster Knight Parks Foundation and is not included in the project's budget. Thus, it will not be able to be considered if the Parks Foundation is unable to provide funding for the change.

Aster Knight motioned to recommend approval of the polished concrete floor and stated that the Foundation would pay for half of the cost if the Town would pay for the other half of the cost for the upgrade. Marie Nix seconded and the motion passed unanimously.

The members present discussed the potential for having ceiling fans installed in the future. The contractor offered to install electric outlets in the ceiling at appropriate locations. Locations for outlets for 6 fans were identified during the discussion and the contractor also offered to install fans at no cost if the Town purchased the fans.

Chris Brownlow motioned to recommend approval of the installation of outlets for fans on the ceiling. Ken Cimetta seconded and the motion passed unanimously.

The members present discussed their desire to have air conditioning in the restroom. The contract does not include arrangements for A/C in the restroom. Staff briefed the members present regarding existing facilities at other parks and the need for control over maintenance and upkeep costs. The contractor stated he would provide a price to include duct work for A/C in the restroom.

Dee Schroder motioned to recommend approval to request the cost of running ac duct into the restroom. John Herring seconded and the motion passed unanimously.

Staff briefed the members present regarding Ricky Huse's Eagle Scout Project for a holding paddock to serve riders who need to use restroom facilities at the Fishing Hole Park. The Scout needs a location identified. The members present discussed the location and agreed that the paddock should be located in the area south of the restroom, close to the building but away from the playground.

Aster Knight motioned to recommend approval for the holding paddock to be located in the area south of the restroom. Karen Parkerson seconded and the motion passed unanimously.

Manny Hagen briefed the Board regarding his health situation. It is possible that he may need to miss some meetings in the next several months, and he would like the Board to be aware of why. The Board unanimously expressed wishes for Manny's speedy recovery and will excuse all absences as they occur.

There being no further business to discuss the meeting adjourned at 9:00 pm.

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REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

April 24, 2014

13400 Griffin Road

Present:

Vice Mayor Gary Jablonski

Council Member Freddy Fisikelli

Council Member Steve Breitkreuz

Keith Poliakoff, Town Attorney

Russell Muñiz, Town Clerk

Martin Sherwood, Town Financial Administrator

Regular Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Vice Mayor Jablonski at 7:04 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

- 2.** The Pledge of Allegiance was led by Boy Scout Troop 160.

The following motion was made by Council Member Fisikelli, seconded by Council Member Breitkreuz and passed by 3-0 roll call vote. The vote was as follows: Council Members Fisikelli, Breitkreuz, and Vice Mayor Jablonski voting Yes.

MOTION: TO EXCUSE THE ABSENCE OF COUNCIL MEMBER McKAY AND MAYOR NELSON.

- 3. Presentation** – SEAB Student Art Exhibition - National Arbor Day 2014

December Lauretano-Haines, Parks and Recreation Coordinator, gave details on the contest and the number of participants.

- 4. Public Comment** – The following member of the public addressed the Town Council: Barry Neunzig.

- 5. Board Reports** – None.

- 6. Council Member Comments**

Council Member Breitkreuz reminded everyone about the Chili Cookoff on Saturday April 26th.

Council Member Fisikelli was concerned that Fishing Hole Park was being closed while construction was occurring on the bathrooms. December Lauretano-Haines, Parks and Recreation Coordinator indicated that the park had been open but was closed overnight for safety because of a large hole that was excavated. Council Member Breitkreuz indicated that the Town Administrator should be consulted on this issue but felt the Town should be able to cordon off the area that may be a hazard and leave the rest of the park open while under construction.

Vice Mayor Jablonski advised that the Town Birthday would be celebrated at Town Hall on June 12th from 5 p.m. to 7 p.m. He spoke about the Rolling Oaks Barn demolition that was underway.

He also spoke about the upcoming Chili Cookoff and the challenge issued by Council Member Breitkreuz.

7. Legal Comments

Town Attorney Poliakoff gave an update on the legislative session occurring in Tallahassee as it related to the proposed septic tank legislation and farm bill.

8. Administration Comments

The Financial Administrator, serving in the absence of the Town Administrator, indicated the Town Birthday Party would be celebrated on Thursday June 12th between 5 p.m. and 7 p.m. He advised that the AARP conducted a Safe Driver seminar at Town Hall on April 16th and there were 11 attendees. He further advised that he would be meeting with Council Members individually in the near future to discuss the budget.

9. Resolution – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE 2013 AMENDMENTS TO THE THREE (3) INTERLOCAL AGREEMENTS WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX, THE BROWARD COUNTY FIFTH-CENT LOCAL OPTION GAS TAX, AND THE ADDITIONAL LOCAL OPTION GAS TAX; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member Fisikelli and passed by 3-0 roll call vote. The vote was as follows: Council Members Fisikelli, Breitkreuz, and Vice Mayor Jablonski voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

10. Resolution - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RATIFYING THE TOWN COUNCIL'S DECISION TO AUTHORIZE ITS TOWN ATTORNEY TO FILE ANY AND ALL LAWSUITS NECESSARY AGAINST THE CITY OF PEMBROKE PINES RELATING TO THE CITY OF PEMBROKE PINES' BREACH OF THE INTERLOCAL AGREEMENT REGARDING LOCAL ROADWAYS AND OTHER MATTERS, ITS BREACH OF THE AGREEMENT RELATING TO THE DELIVERY OF EMERGENCY MEDICAL FIRE PROTECTION AND FIRE PREVENTION SERVICES, ITS IMPROPER APPROVAL OF THE FRANKLIN ACADEMY CHARTER SCHOOL, AND ITS REFUSAL TO PARTICIPATE IN CHAPTER 164 CONFLICT RESOLUTION PROCEEDINGS RELATING TO THE SITING OF THE FRANKLIN ACADEMY SCHOOL; AUTHORIZING THE TOWN ATTORNEY AND TOWN ADMINISTRATOR TO TAKE ANY AND ALL STEPS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AND EFFECTIVE DATE.

The following motion was made by Council Member Breitzkreuz, seconded by Council Member Fisikelli and passed by 3-0 roll call vote. The vote was as follows: Council Members Fisikelli, Breitzkreuz and Vice Mayor Jablonski voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

11. Appointments – Broward League of Cities

The following motion was made by Council Member Fisikelli, seconded by Council Member Breitzkreuz and passed by 3-0 roll call vote. The vote was as follows: Council Members Fisikelli, Breitzkreuz, and Vice Mayor Jablonski voting Yes.

MOTION: TO APPROVE THE APPOINTMENT OF COUNCIL MEMBER McKAY AS DIRECTOR, COUNCIL MEMBER BREITKREUZ AS 1ST ALTERNATE AND COUNCIL MEMBER FISIKELLI AS 2ND ALTERNATE.

12. Approval of Minutes

- a. Minutes for March 27, 2014 – Regular Council Meeting

The following motion was made by Council Member Fisikelli, seconded by Council Member Breitzkreuz and passed by 3-0 roll call vote. The vote was as follows: Council Members Fisikelli, Breitzkreuz, and Vice Mayor Jablonski voting Yes.

MOTION: TO APPROVE THE MINUTES.

13. Adjournment – Meeting was adjourned at 7:47 p.m.

Respectfully submitted:

Russell Muñiz, MMC, Town Clerk

*Adopted by the Town Council on
this 22nd day of May, 2014.*

Jeff Nelson, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.